

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ALLEN DUPREE GARRETT,

1:20-cv-5235 (NLH) (JS)

Plaintiff,

**MEMORANDUM OPINION & ORDER**

v.

PHIL MURPHY, et al.,

Defendants.

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**APPEARANCES:**

Allen Dupree Garrett  
4366289  
Camden County Correctional Facility  
330 Federal Street  
Camden, NJ 08103

Plaintiff Pro se

**HILLMAN, District Judge**

WHEREAS, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983, against New Jersey Governor Phil Murphy and CCCF Captain Rebecca Franceschini for claims related to the coronavirus, see ECF No. 1. He also argued the state courts violated his speedy trial rights; and

WHEREAS, the Court dismissed Plaintiff's Fourteenth Amendment claims without prejudice for failure to state a claim, 28 U.S.C. § 1915(e)(2)(B)(ii), see ECF No. 15; and

WHEREAS, the Court informed Plaintiff that he had to raise his speedy trial claims in a petition for writ of habeas corpus

under 28 U.S.C. § 2241, ECF No. 14 at 7-8; and

WHEREAS, on August 17, 2020, Plaintiff filed a document containing an application to proceed in forma pauperis and brief indicating he was moving "in pursuit of 28 U.S.C. § 2241" and citing the Court's Opinion, see ECF Nos. 17 & 18; and

WHEREAS, on August 21, 2020, Plaintiff filed a notice of appeal, see ECF No. 19; and

WHEREAS, the Court will direct the Clerk to create a new § 2241 proceeding from ECF Nos. 17 & 18. The Court will then close this matter as Plaintiff has appealed the Court's May 14, 2020 order,

THEREFORE, IT IS on this 26th day of August, 2020

ORDERED that the Clerk shall create a new civil action under 28 U.S.C. § 2241 and file ECF Nos. 17 & 18 in the new civil matter; and it is further

ORDERED that the Clerk shall file a copy of this order in the new civil action for informational purposes only; and it is finally

ORDERED that the Clerk shall send a copy of this order to Plaintiff by regular mail and mark this matter closed.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.